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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,937	06/16/2000	Serge M. Manning	11440RRUS02U	2908

35527 7590 08/13/2003

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EXAMINER

GORT, ELAINE L

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

Office Action Summary	Application No.	Applicant(s)	
	09/595,937	MANNING, SERGE M.	
	Examiner	Art Unit	
	Elaine Gort	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 19-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-18, 43 and 44 are rejected under 35 U.S.C. 102(a) as being anticipated by 3G Packet Data Accounting Requirements.

3G Packet Data Accounting Requirements discloses the claimed method of optimizing accounting records which includes detecting a communication link between mobile terminal and host in a packet data network (for example system detects radio and data network access/use by user, see page 3 with details regarding mobile user

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and session information) and accumulates, at a packet data serving node disposed between the mobile terminal and the packet data network (data transmitted to PDSN is merged/accumulated with PDSN information), accounting information relating to a wireless communication network serving the mobile terminal (remote dial-in user service) and the packet data network, the accounting information being used by service providers to generate billing data to minimize the frequency of producing accounting records by the packet data serving node (RADIUS; transmitted to AAA Server, accounting server); wherein only one start record and only one stop record are sent to the accounting server for a plurality of short data burst transmissions (for example a short data burst as shown in Table 2 and page 4 line 4 identify the record with a start and stop record, a burst inherently includes the collection of information and the transfer of a block of data all at one time without a break, where the stop record includes the number of short data bursts, data burst octets and the octet count for the plurality of short data burst transmission, airlink incorporates mobile station to base station communication over a radio spectrum such as the communication between the RN and PDSN shown in figure 2); wherein the accounting information is accumulated over a series of short data bursts and over a series of active traffic channel transmissions (accounting information is communicated via active traffic channels and short data bursts are accumulated/merged at the PDSN); and where the number of octets sent to the mobile terminal and number of octets received from the mobile terminal are in the form of short data bursts (data sent with short data bursts, see table 2) .

All other claimed limitations are either disclosed or inherent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feder et al. (US Patent 6,512,754) in view of Examiner's Official Notice

Feder et al. discloses a method of optimizing accounting records which includes detecting a communication link between mobile terminal and host in a packet data network (for example the system detects internet access by a user over an airlink, for example, see figures 2 and 3) and accumulates, at a packet data serving node disposed between the mobile terminal and the packet data network (for example data transmitted to accounting router, accounting and directory server in figure 2 and server data collector shown in figure 22), accounting information relating to a wireless communication network serving the mobile terminal (remote dial-in user service) and the packet data network, the accounting information being used by service providers to generate billing data to minimize the frequency of producing accounting records by the packet data serving node (RADIUS; transmitted to customer's billing system).

Feder et al. discloses the claimed method of optimizing accounting records but is silent regarding the use of a plurality of short data burst transmissions using a start

and a stop record. Examiner takes official notice that the use of burst mode incorporating data bursts with a start and a stop record are notoriously old and well known in the art of data communications to provide high-speed, complete and efficient data transmission. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of Feder et al. with the use of a plurality of short data burst transmissions using a start and a stop record of Examiner's Official Notice, in order to provide high-speed, complete and efficient data transmission.

All other claimed limitations are either disclosed or inherent.

Response to Arguments

5. Applicant's arguments with respect to claims 1-18, 43 and 44 have been considered but are moot in view of the new ground(s) of rejection. See above rejections for clarification relating to Applicant's Arguments.

Examiner believes that potential areas of clarification leading to an allowance may exist and Examiner invites Applicant to an in-person interview to further discuss potential areas.

Conclusion


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

EG 
August 5, 2003

 8/11/03
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600